യിൽ എല്ലാവരും. ജയിലിന്റെ അകത്താക്കിയ ആളുകളെ ഭീഷണിപ്പെടുത്തുന്നതു ഗവണ്മെണ്ടിന്റെ മൂഢതയാണു്. ഏതെങ്കിലും വിധത്തിൽ കുറെ സംഖ്യ അടുത്ത ബഡ്ജറ്റിൽ ഇതിലേക്കുണ്ടാക്കി കൊച്ചിയിലെ സബ്ജയിലുകൾ പരിഷ്കരിക്കണമെന്നഭ്യർത്ഥിച്ചുകൊണ്ടു് ഗവണ്മെണ്ടിന്റെ അനുഭവപൂർവ്വമായ മറുപടിമൂലം എന്റെ ഈ പ്രമേയം പിൻവലിക്കുന്നതിനു സഭയുടെ അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

Resolution by leave withdrawn.

RESOLUTION No. 41

Expanding the area under and intensifying the cultivation of paddy

"This Council recommends to the Government that every endeavour may be made to expand the area under and intensify the cultivation of paddy".

മിസ്റ്റർ വി. ജെ. മത്തായി: ഞാൻ ഈ പ്രമേയം ഇവിടെ അവതരിപ്പിക്കണമെന്നു് വിചാരിക്കുന്നില്ല. എങ്കിലും ഇതിനെ സംബന്ധിച്ചു് ഒരു വാക്കു മാത്രം പറയാമെന്നു വിചാരിക്കുന്നു. നെൽകൃഷി വളർത്തിക്കേണ്ടതിന്റെ ആവശ്യകതയെപ്പറ്റിയുള്ളതാണു് എന്റെ പ്രമേയം. ഇതു് ഗവണ്മെണ്ടിൽനിന്നും ഒരു പ്രധാന സംഗതിയായിട്ടു് ഇപ്പോൾ സ്വീകരിച്ചുകഴിഞ്ഞിട്ടുണ്ടു്. എന്നാൽ അതിനുവേണ്ടി നടത്തിവരുന്ന നടപടികളും എല്ലാം ശരിയാണെന്നു അഭിപ്രായം എനിക്കില്ല. അതുകൊണ്ടു് ജലസേചനം, ജല നിർഗമനം എന്നീ പദ്ധതികളും കുറെക്കൂടി കൂടുതലായ തോതിൽ നടത്തണമെന്നു മാത്രമേ എനിക്കു പറയുവാനുള്ളു. ഈ പ്രമേയത്തെപ്പറ്റി വലിയ വാദപ്രതിവാദങ്ങളും നടത്തി ഈ സഭയുടെ സമയം കളയണമെന്നു എനിക്കു് വിചാരമില്ലാത്തതുകൊണ്ടു് ഞാൻ ഇതു് ഇവിടെ അവതരിപ്പിക്കുന്നില്ല.

RESOLUTION No. 42

Allowing aided school teachers to contest in Municipal Elections

Mr. T. S. Ramachandra Ayyar *(Nemmara)*: Sir, I rise to move the following resolution.—*"This Council recommends to the Government to amend the Municipal Electoral Rules as to allow aided school teachers to contest in elections to the Municipal Councils."*

The present municipal electoral rules do not permit aided school teachers to stand as candidates in municipal elections. But the Legislative Council Electoral Rules do not prohibit their standing to the Legislative Council, so also in Panchayat elections. So, they can stand as candidates in the Panchayat elections and the Legislative Council elections. I fail to note any rational basis in this distinction. Although municipal electoral rules prohibit an aided school teacher from standing as a candidate in municipal elections, we find teachers of colleges standing as candidates in municipal elections.

Mr. A. B. Salem *(Mattancheri)*: Teachers of which college?

Mr. T. S. Ramachandra Ayyar *(Nemmara)*: My information is that Mr. Nunez is a member of the Trichur Municipal Council. So, Government owes a duty to this House to explain the rational basis of this distinction.

The stock argument against aided school teachers participating in municipal elections is this, that if they are allowed to be members of municipal councils, they will interfere in local politics and it therefore affects their academic activities. If that objection is a valid objection, it must be equally applicable to Panchayat elections as well as Legislative Council elections. In short I fail to note any rhyme or reason in Government prohibiting teachers from standing at municipal elections, permitting them at the same time to stand in Panchayat and Legislative Council elections. With these words, I commend this resolution for the acceptance of the House.

Mr. V. K. Bhaskara Menon *(Cranganur)*: I second it.

Mr. V. J. Mathai *(Planters)*: On a point of information, will the Director of Public Instruction please inform us as to whether colleges are aided.

Rao Sahib I. N. Menon *(Director of Public Instruction)*: The St. Thomas College is not aided.

Mr. A. B. Salem *(Mattancheri)*: If this is to be done, the amendment of the Municipal Act would be necessary that aided school teachers can stand. The recommendation is to amend the Municipal Rules. That would not suffice at all. Even if Government accepts the resolution, the Act has to be amended by the Council. Therefore, this proposition would not be in order.

Mr. T. S. Ramachandra Ayyar *(Nemmara)*: Government can bring in an amendment.

Mr. A. B. Salem *(Mattancheri)*: You should have asked Government to amend the Act. To ask Government to amend the electoral rules carries nowhere. It is not in the proper form.

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Your idea may be right or may be wrong. There may be difference of opinion or consensus of opinion. The proposition as it stands is not possible of being worked out. It will be stultifying its own act. The Act of the Legislature is here. It is our own Act. How can you say before we amend the Act "we bring a proposition to amend the rules"? It will be stultifying itself. How can this Council before the amendment is passed, pass a proposition like this and say the electoral rules may be amended? I say this proposition is out of order.

Deputy President: Is the prohibition in the rules or in the Act?

Mr. A. B. Salem *(Mattancheri):* The rules are in the Act itself. Otherwise, it would have helped. Here we are stultifying ourselves, and ask Government to do an impossible thing.

Mr. T. S. Ramachandra Ayyar *(Nemmara):* But there is no harm in bringing to the notice of the Government an anomaly.

Mr. A. B. Salem *(Mattancheri):* There should be a proper method in which the anomaly should be remedied. You should have tabled an amendment of the Act. Nobody stands in the way. But to ask a Legislative Council to stultify itself without amending its own act is too much. The whole thing must go in the regular way.

Mr. K. M. Ibrahim *(Cranganur):* I do not think there is much of a point in Mr. Salem's contention.

Deputy President: Mr. Salem is perfectly right. It is our right to amend the Act.

Mr. K. M. Ibrahim *(Cranganur):* Let me just explain my point of view. Of course, I would have joined issue with Mr. Salem to the extent that the best thing would have been for the Hon'ble member for Chittur to bring in an Amending Bill. But having had recourse to certain considerations which require a particular number of days for the notice of a bill, namely, 1 month and possibly the busy life in which he found himself on the eve of the Council, there might have been a justification for him to bring in this resolution and not a Bill. How can this resolution be called in any way unconstitutional? The passing of this resolution at the most may mean a request to the Government to bring in an amending legislation in this House and a record of the sense of this House in the matter. So, how can you term it as an undemocratical measure? There are ever so many previous instances in this House wherein we have passed resolutions asking for amending the existing statutes. This is not the first time that an Hon'ble member is bringing a resolution asking for an amendment to a statute. I beg to submit that at the most the passing of this resolution would be a constructive request, a practical request, to the Government to bring in an amending bill to the Municipal statute. What danger is there, what constitutional calamity is going to happen by carrying it I fail to understand. So, I support the Hon'ble member.

Mr. V. J. Mathai *(Planters):* The matter is not so very simple as that. When we pass the resolution, it means that the electoral rules have to be amended. That is to say, when it goes before the Government and the public that the members of the Legislative Council have asked for an amendment of the electoral rules while it is not in the rules, then the people will say "Mr. V. J. Mathai is a fool, Mr. C. R. Iyyunni is a fool and Mr. K. M. Ibrahim is a fool".

Mr. K. M. Ibrahim *(Cranganur):* I deny that I am a fool. You may glory that you are a fool.

Mr. V. J. Mathai *(Planters):* You can't understand an argument. Therefore, to simply say pass it now would tantamount to making us all look foolish. The people outside would ask what fools are there sitting in this Council. I put it so nakedly so that even a child can understand the implications of passing this motion.

Mr. T. S. Ramachandra Ayyar *(Nemmara):* If the Chair will permit I am prepared to amend the resolution.

Mr. A. B. Salem *(Mattancheri):* Section 51 of the Act says.—"No person shall be qualified for election as a councillor unless the name of such person appears on the electoral roll of the Municipality and no officer of Government and no teacher in an aided school shall be qualified for election as a councillor." Now to go against the law and ask the Council to pass the resolution against the law and ask the Government to execute that is not proper.

Mr. V. J. Mathai *(Planters):* My point has been conceded by the mover, though Mr. Ibrahim will not concede it.

Mr. K. M. Ibrahim *(Cranganur):* The mover did nothing of the kind.

Deputy President: Mr. Salem raises two objections. Let us be clear about it. He raises two objections. By amending the rules Mr. T. S. Ramachandra Ayyar will not achieve his end. That is one objection. Even if it is amended, instead of the Municipal electoral rules we say Municipal Act, then Mr. Salem says we have got that right. Why should we ask the Government to do it. These are the two objections.

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Mr. V. J. Mathai *(Planters)* : Now, I have pictured one position. Then, when it goes to the Government—some of the Government officers, Heads of Departments, who are experts in hair-splitting will say that the rules are alright and hence Government find their inability to accept the resolution. I am sure that would be the reply that will be given. Therefore, Mr. Salem's arguments are all in full force and we can take him as one of the greatest authorities on elections.

Now, there is the other thing which I want to emphasise over again. When you have got food in your house and can eat it, why should you go to others and say "please give me food, I am hungry."

Deputy President : That is one aspect of the question in the situation in which we are placed.

Mr. V. J. Mathai *(Planters)* : Therefore, I feel fortified by the weighty words of the Hon'ble Deputy President. I feel I have added strength. Therefore it becomes more important. The whole question is this. Is it not impairing the dignity of the House to come and recommend to the Government and say "kindly bring a Bill". Who are the Government ? We are the Government. Who is the person to whom we should make a recommendation ? The 38 members here. I can assure Hon'ble members that if you bring in a Bill, you are going to get tremendous support, because the principle of the resolution is absolutely sound. What is the meaning in saying that a teacher can stand as a candidate at the Panchayat elections and at the Legislative Council elections and he cannot stand for the Municipal elections which is concerned with scavengers and street lighting etc., for a town. But unfortunately, a very sound proposition has been spoiled by a very unsound motion. I am in full sympathy with the mover of the resolution.

Mr. C. J. Mathew *(Joint Secretary to Government)* : Government appreciate the view-point expressed by the mover of the resolution and feel that there is absolutely no meaning in maintaining the distinction. So far as the object of the resolution is concerned, we are one with the Hon'ble member. But as pointed out by Mr. Salem there is a technical objection. If the mover will withdraw his resolution and table an amendment to the Act that will solve the problem.

Mr. T. S. Ramachandra Ayyar *(Nemmara)* : I am quite satisfied. The objection to my resolution is that when we have got the power to amend the law, why should we request the Government to bring in an amendment. Some time back this House was discussing Mr. M. K. Devassy's resolution requesting Government to amend the law in such a way as to provide for an instalmental scheme of payment of the debt of the agriculturists spreading over a period of at least 15 years. This Council has been discussing numberless resolutions like that. When those resolutions came where were you ? The objections of my friend are based mainly on narrow technical grounds.

Mr. A. B. Salem *(Mattancheri)* : Not technical grounds, but legal grounds.

Mr. T. S. Ramachandra Ayyar *(Nemmara)* : About the technical objection that this resolution seeks to amend the rules whereas the object proposed to be attained by this resolution will only be served if we amend the Act, I have to say that if the Government bring an amendment, I am quite satisfied. If Government would bring an amendment, it is easy for them to get it passed within no time. I am quite satisfied with the answer of the Government if they find their way to bring in an amendment.

Deputy President : The House may request Government to introduce a Bill. Then that Bill can be passed very soon. A non-official Bill will have to undergo an obstacle race as it were. Therefore, if you want immediate relief, the House can legitimately request the Government to introduce a Bill. If this is such a case, Mr. Ramachandra Ayyar is not very incorrect technically or practically.

Mr. C. J. Mathew *(Joint Secretary to Government)* : If the House think that it is necessary that the Government should themselves bring in such an amending Bill, they will have no objection to do so.

Mr. V. J. Mathai *(Planters)* : Then the resolution has to be amended.

Deputy President : He can withdraw the resolution. The resolution is withdrawn on the assurance that the Government will introduce a bill.

Resolution, by leave, withdrawn

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